

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting: 21 August 2012
Report of: Vanessa Selfe, Licensing Administration Officer
Title: Notice of Temporary Event
V Bar, 26 West Street, Congleton, CW12 1JR

1.0 Report Summary

- 1.1 The report provides details of a temporary event notice which has been given in respect of V Bar, 26 West Street, Congleton, Cheshire CW12 1JR. The notice confirms provision of the following Licensable activities (i) the sale by retail of alcohol (for consumption on the premises), (ii) The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, (iii) the provision of regulated entertainment, and (iv) the provision of late night refreshment.
- 1.2 The Environmental Health Service has submitted an objection notice in relation to this temporary event notice.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 consider the temporary event notice served in relation to Saturday 1st September 2012 to extend current licensing hours (02:00 to 04:00 hours) and the objection notice received in respect of this temporary event notice; and
- 2.1.2 determine whether, having regard to the objection notice, to give a counter notice under section 105 of the Licensing Act 2003.
- 2.1.3 determine whether conditions on the current premises licence should be included on the temporary event notice.

3.0 Reasons for Recommendations

- 3.1 The Licensing Act Sub-Committee has the delegated authority to consider this temporary event notice.

4.0 Wards Affected

- 4.1 Congleton West

5.0 Local Ward Members

- 5.1 Cllrs G Baxendale, R Domleo and D Topping

6.0 Policy Implications

- 6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority under the Act.

7.0 Financial Implications (Authorised by the Director of Finance & Business Services)

- 7.1 None.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Section 104 of the Licensing Act 2003 provides that where a 'relevant person' (i.e. the Chief Officer of Police or the Environmental Health Service) are satisfied that allowing a premises to be used in accordance with a temporary event notice would undermine a licensing objective, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.

- 8.2 Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:

a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary; and

b) having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.

- 8.3 In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has determined not to give a counter notice under section 105, the authority may impose one or more conditions on the standard temporary event notice if (a) the authority considers it appropriate for the promotion of the licensing objectives to do so; (b) if the conditions are already imposed on the premises licence that has effect in respect of the premises; and (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

9.0 Risk Management

- 9.1 The Licensing Sub-Committee will hear representations made on behalf of both the premises user and the relevant authority that has submitted the objection notice and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 provides a right of appeal to the Magistrates' Court against the decision of the Local Authority.

10.0 Background and Options

- 10.1 The premise which is subject of the temporary event notice is a licensed premises number LAPRE/0306/10 and known as No 1 The Courtyard and is attached to this report as appendix 1
- 10.2 The temporary event notice served in relation to Saturday 1st September 2012 seeks to authorise: (i) the sale by retail of alcohol (for consumption on the premises); (ii) the supply of alcohol by or on behalf of a club to or to the order of a member of the club (iii) the provision of regulated entertainment; and (iv) the provision of late night refreshment between the hours of 02:00 and 04:00. The notice indicates that the licensable activities would take within the premise, with live musicians and recorded music as an 'end of summer event'.
- 10.3 Objection from relevant authority:
- 10.3.1 The Environmental Health Service has submitted an objection notice in respect of this temporary event notice. A copy of the objection notice is attached as Appendix 2.
- 10.3.2. The Police have not submitted an objection notice in respect of the temporary event notice.

11.0 Access to Information.

There are no background papers associated with this report.

Name: Vanessa Selfe
Designation: Licensing Administration Officer
TEL: 01270 371117
Email: licensing@cheshireeast.gov.uk

Appendix 1 – Premise Licence

Appendix 2 – Objection notice submitted by Environmental Health